

DECLARATION OF SUPERVISORY DETENTION AND DEPORTATION OFFICER

YOLANDA MARFISSI

Pursuant to the authority of 28 U.S.C. § 1746, I, Yolanda Marfissi, a Supervisory Detention and Deportation Officer (“SDDO”) for U.S. Department of Homeland Security, United States Immigration and Customs Enforcement, Enforcement and Removal Operations, Burlington, Massachusetts declare as follows:

1. I am an SDDO for U.S. Department of Homeland Security, United States Immigration and Customs Enforcement, Enforcement and Removal Operations (“ICE ERO Boston”).
2. Included in my official duties as an SDDO for ICE ERO Boston is the responsibility for managing and monitoring the ICE ERO Boston’s roster of aliens in ICE custody who are detained for purposes of removal proceedings as well as effectuation of final orders of removal. I am familiar with ICE policies and procedures for detaining individuals in order to initiate removal proceedings or to effectuate removal orders as well as releasing individuals from ICE custody.
3. I have experience utilizing ICE record systems to obtain information regarding specific aliens. ICE maintains electronic and paper records on aliens in the course of its regularly conducted business activity. These records are made in the course of regularly conducted business activity at or near the time of relevant events by a person with knowledge of these events. In preparing this declaration, I have examined ICE official records, including the Enforce Alien Removal Module (“EARM”) and PLAnet. EARM is the ICE electronic database utilized by ERO to maintain information regarding the custody and removal status of aliens. PLAnet is the ICE electronic database maintained by ICE’s Office of the Principal Legal Advisor as a case and document management system.

These databases are the electronic records ordinarily relied upon to ascertain an alien's immigration and criminal history, current case status, and plans for removal, if any.

4. In the course of preparing this declaration, I have examined the official records available to me regarding the immigration history and custody status of Mario Vladimir Martinez ("Petitioner"), Administrative File No. [REDACTED]. I have also discussed this case internally with Officers within the ICE ERO Boston detained unit. I write this declaration to provide an update on the Petitioner's custody and removal status from the United States.
5. The Petitioner is a citizen and national of El Salvador.
6. On May 7, 2020, ICE ERO Boston received notice from the U.S. Attorney's Office that the Petitioner had filed a habeas petition and the District Court entered an order preventing transfer of the Petitioner outside of Massachusetts without providing the Court 48 hours' advance notice of the move and the reason therefor. A Deportation Officer entered this notice into ICE ERO's EARM case tracking system.
7. ICE ERO Boston received notice that the Board of Immigration Appeals had dismissed the Petitioner's appeal and therefore moved to prepare Petitioner for removal from the United States due to him being subject to a final administrative removal order.
8. On May 20, 2020, ICE ERO Boston scheduled 26 detainees for transfer out of the Boston Area of Responsibility ("AOR") for ultimate removal from the United States. These detainees were transferred from 4 detention facilities in Rhode Island, Massachusetts, and New Hampshire.
9. 19 of these detainees were subject to District Court orders that required advance notification of transfer outside of the Boston AOR. ICE ERO Boston ensured that 18 of

these detainees had such notification filed on their behalf by U.S. Attorney's Offices in Rhode Island, Massachusetts, and New Hampshire prior to transfer outside of the AOR.

10. Petitioner was among the 19 detainees.
11. The ICE ERO Boston Deportation Officer assigned to Petitioner's case, however, inadvertently did not specifically contact the U.S. Attorney's Office or ICE's Boston Office of the Principal Legal Advisor ("OPLA Boston") to notify of Petitioner's transfer for removal purposes.
12. Petitioner was transferred to the Alexandria Staging Facility on May 26, 2020.
13. On May 27, 2020, ICE ERO Boston learned that Petitioner had been transferred without compliance with the District Court's Standing Order.
14. ICE ERO Boston therefore contacted ICE ERO New Orleans to request that Petitioner be removed from the removal flight scheduled for May 29, 2020 and returned to a detention facility within the Boston AOR.
15. However, ICE learned late on May 27, 2020 that Petitioner would not be contesting removal from the United States pursuant to his final order of removal and did not seek to be returned to the Boston AOR to await eventual removal from the United States.
16. As such, ICE intends to manifest Petitioner again on the May 29, 2020 removal flight to El Salvador and informs the Court as such.
17. As one of two Supervisors of the ICE ERO Boston detained unit, I have reminded the Officers under my Supervision that they must specifically contact the relevant U.S. Attorney's Office and OPLA Boston to notify of a transfer of a detainee subject to a Standing Order to ensure compliance with such Order. Further, I have reminded the Officers that transfer cannot proceed until ICE ERO Boston receives confirmation that

the necessary transfer notification has been filed with the relevant District Court and that no impediments to transfer have been imposed. The other detained unit Supervisor has also communicated this information to his Officers as well. ICE ERO Boston will engage in further discussion with OPLA Boston to ensure necessary notifications are made, especially in the present time as ICE faces an unprecedented level of federal litigation involving its detention facilities throughout the Boston AOR.

I declare under penalty of perjury that the foregoing is true and correct.

Signed on the Twenty-Eighth day of May, 2020

A handwritten signature in blue ink, appearing to read "Yolanda Marfissi", is written over a horizontal line.

Yolanda Marfissi
Supervisory Detention and Deportation Officer
U.S. Department of Homeland Security
United States Immigration and Customs Enforcement
Burlington, Massachusetts